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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,541

03/11/2004

Michael J. Gray

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27752

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12/06/2006

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EXAMINER

MICHALSKI, SEAN M

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,541

Applicant(s)

GRAY ET AL.

Examiner

Sean M. Michalski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Applicant's appeal brief, filed 20 Nov. 06, has been entered. At this time it was noted that claims 13-15 were omitted from the body of the final rejection, even though their recitations were addressed. It would be inappropriate to go to the board of appeals without a clear rejection of all claims. Accordingly, the final rejection mailed 31 August 06 is hereby withdrawn, and a new final rejection is set forth below. To a large extent it is a repeat of the previous final rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

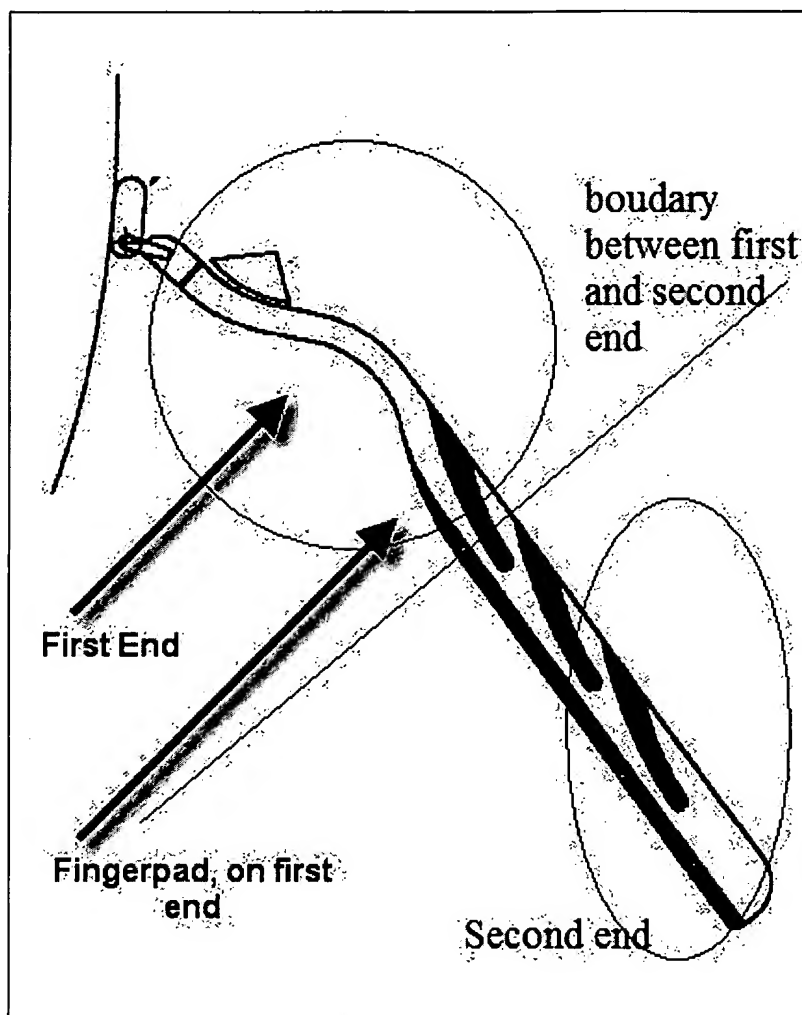
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2, 9/2, 12/2, 13/2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rozenkranc (USPN 6,276,061).

Regarding claim 2, Rosenkranc discloses a shaving razor (figure 2) with a housing (2 figure 1) having a primary guard (6, and the area thereby, figure1) a primary cap (5 figure 1) . Rosenkranc further discloses primary razor blades located between the cap and guard. Rosenkranc further discloses a trimming blade (4 figure 1) mounted at the back of the housing (as seen in figure 1) , and having it's cutting edge oriented away from said upper surface (seen in figure 1). Rosenkranc further discloses an elongate handle (1 figure 2) having a curve at the first end concave on the same side as primary blades (figure 2). Rosenkranc further discloses a finger pad at said first end , on

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the same side as said primary blades (see figure below). This interpretation is consistent with the broadest reasonable interpretation standard which must be applied to all claim language.



Regarding claim 9/2, Rozenkranc further discloses that there be three primary blades.

Regarding claim 12/2, Rozenkranc further discloses that the housing is pivotably connected to the handle by a connection that has an at rest stop position to prevent pivoting of said housing when said trimming blade is cutting hair (column 1 lines 63-67, continuing to column 2 line 1).

Regarding claim 13/2 there is clearly a curve at said first end which is concave on the same side as the primary blades. See above.

Regarding claim 14, the finger pad of Rozenkranc is generally oval in shape. It appears to be generally oval in the figure. Alternatively, see the 103(a) rejection of claim 14 below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

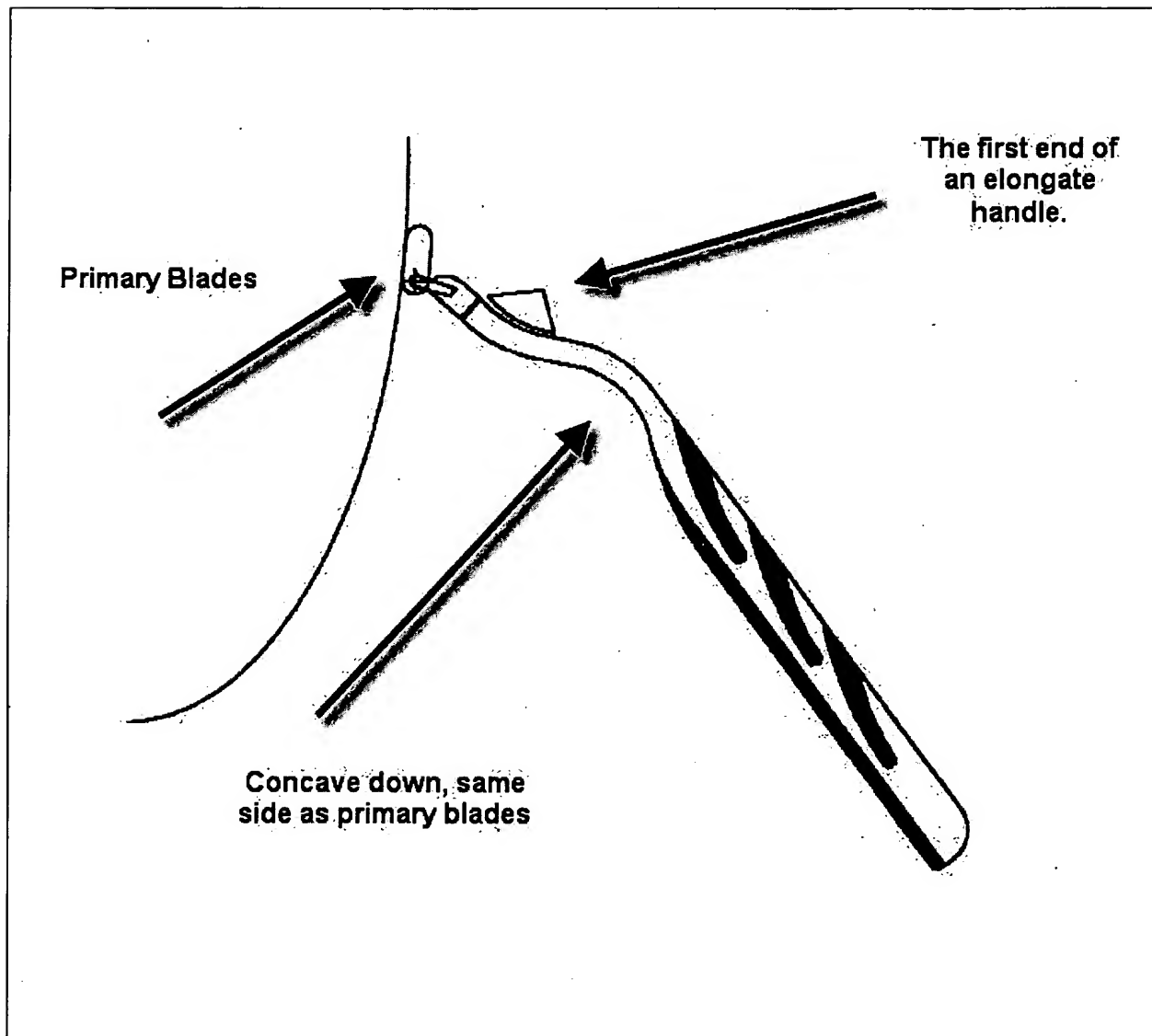
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5, 6, 9/3, 12/3, 13/3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Gilder (USPN 5,533,263).

Regarding claim 3, Rozenkranc teaches a shaving razor (figure 2) with a housing (2 figure 1) having a primary guard (6, and the area thereby, figure 1) a primary cap (5 figure 1). Rozenkranc further teaches a primary razor blades located between the cap and guard. Rozenkranc further teaches a trimming blade (4 figure 1) mounted at the

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back of the housing (as seen in figure 1) , and having it's cutting edge oriented away from said upper surface (seen in figure 1). Rosenkranc further teaches an elongate handle (1 figure 2) having a curve at the first end concave on the same side as primary blades (figure 2, as reproduced for clarity below)



Rozenkranc does not teach a bifurcated handle at said first end.

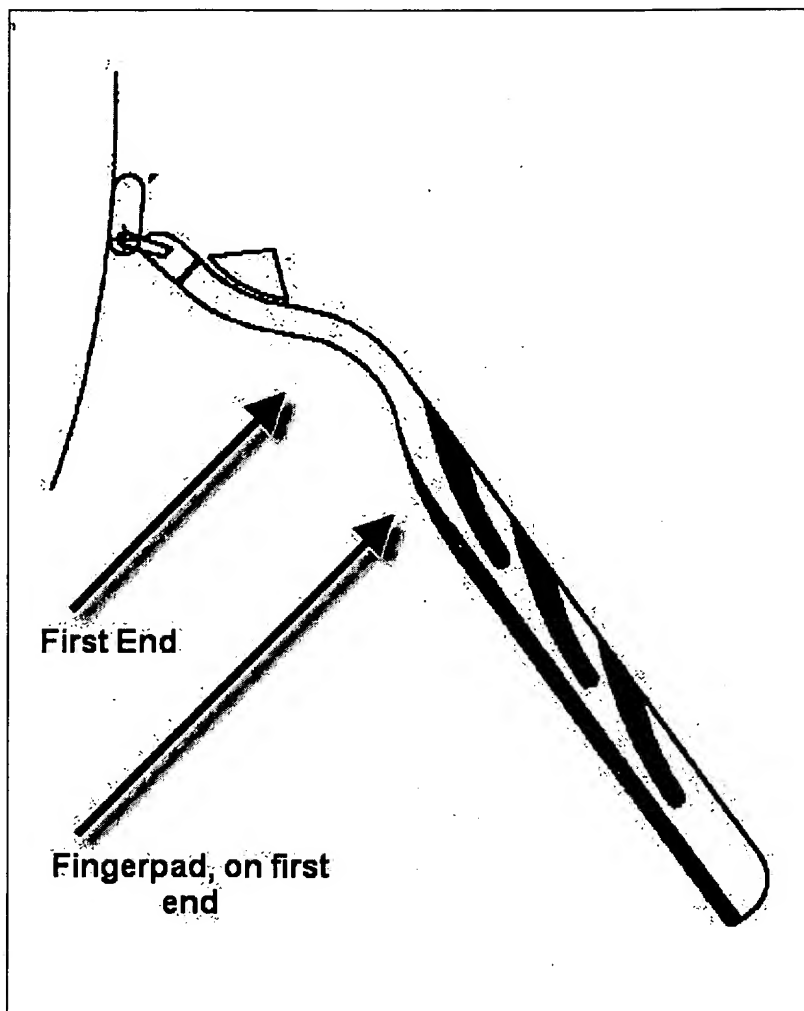
Gilder teaches a handle that is bifurcated such that there is a region between the two portions. The first end of Gilder is the half of the handle seen to be closest to the

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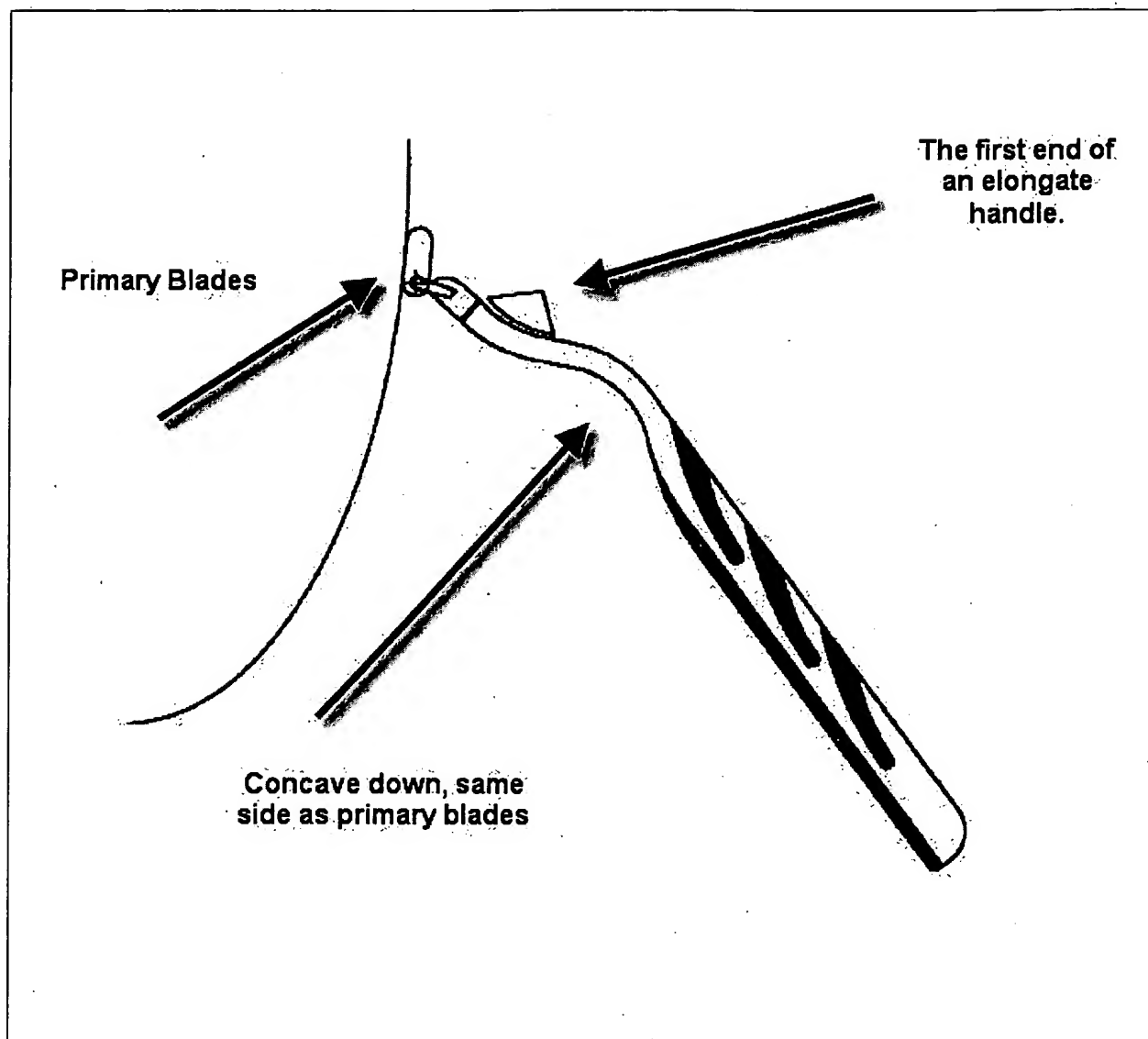
blade cartridge (figure 5), the bifurcation of Gilder is seen to be 'adjacent' the first end. The bifurcation is joined at (within) the first end (See figures 2 and 5). Furthermore, at the termination point of the first end, the bifurcation is joined. The 'region' is enclosed by the cartridge. The cartridge joins the two portions 'at' the first end (the terminus of the first end, tips 26 figure 5, seen to be joined in figure 2). This interpretation is consistent with the broadest reasonable interpretation standard.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by making the handle bifurcated as taught by Gilder, so the user could better view the shaving operation, or to allow a configuration "so as not to obstruct flow of rinsing water through the blade unit" (column 1 lines 37-38). The motivation to combine is that a bifurcated handle is easier to rinse.

Regarding claim 5, Rosenkranc further teaches a finger pad at said first end , on the same side as said primary blades (see figure below).



Regarding claims 6, 13/3 and 15 Rozenkranc teaches a shaving razor (figure 2) with a housing (2 figure 1) having a primary guard (6, and the area thereby, figure1) a primary cap (5 figure 1) . Rosenkranc further teaches a primary razor blades located between the cap and guard. Rosenkranc further teaches a trimming blade (4 figure 1) mounted at the back of the housing (as seen in figure 1) , and having its cutting edge oriented away from said upper surface (seen in figure 1). Rosenkranc further teaches an elongate handle (1 figure 2) having a curve at the first end concave on the same side as primary blades (figure 2, as reproduced for clarity below).



Rozenkranc does not teach a bifurcated handle at said first end.

Gilder teaches a handle that is bifurcated such that there is a region between the two portions.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by making the handle bifurcated as taught by Gilder, so the user could better view the shaving operation, or to allow a configuration "so as not to obstruct flow of rinsing water through the blade unit" (column

1 lines 37-38). Since in the combination the bifurcation comes together opposite the cartridge at the first end of the handle it would be proximal to the finger pad. The motivation to combine is that a bifurcated handle is easier to rinse.

Regarding claim 9/3, Rozenkranc further teaches the use of three primary blades.

Regarding claim 12/3, Rozenkranc further teaches that the housing is pivotably connected to the handle by a connection that has an at rest stop position to prevent pivoting of said housing when said trimming blade is cutting hair (column 1 lines 63-67, continuing to column 2 line 1).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc (as applied to claim 2), or alternatively Rozenkranc in view of Gilder (as applied to claim 5).

Regarding claim 7, all the limitations of claims 2,4, or 5 have been met as discussed above, except Rozenkranc is silent as to whether or not said finger pad is made of "elastomeric material". The Examiner hereby takes official notice that the use of elastomeric material is well known in the art for use as a finger pad, for grip comfort and control. It would have been obvious to one skilled in the art at the time of the invention to make the finger pad from an elastomeric material to make the grip comfortable and easy to control.

6. Claims 8/2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Bosy et al. (USPN 6,598,303).

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7. Regarding claim 8/2, Rozenkranc does not disclose the handle having 'relieved surfaces'. Regarding claim 14, Rozenkranc may not disclose an oval finger pad.

Bosy et al. teaches an indent, or relieved portion, for providing access to finger gripping pad 24, figure 1 (column 2 lines 37-41 and column 3 lines 60-65). And a generally oval finger pad (24).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by making the finger pad oval and indented as taught by Bosy et al, for added comfort. The motivation to combine is that having the finger pad be generally oval and indented (or have a relieved surface as seen in the figures) will be comfortable and allow access to the pad ("support multiple segments of an index finger").

8. Claims 8/5 and 8/6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Gilder as applied to claims 5 and 6 above, and further in view of Bosy et al. (USPN 6,598,303).

Regarding claim 8/5, Rozenkranc in view of Gilder does not disclose the handle having 'relieved surfaces'.

Bosy et al. teaches an indent, or relieved portion, for providing access to finger gripping pad 24, figure 1 (column 2 lines 37-41 and column 3 lines 60-65).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc in view of Gilder by making the finger pad indented as taught by Bosy et al, for added comfort. The motivation to combine is

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that having the finger pad be indented (or have a relieved surface) will be comfortable and allow access to the pad ("support multiple segments of an index finger").

9. Claims 10/2, and 11/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc as applied to claims 1 or 2 above in view of "Platinum Mach 14".

Rozenkranc does not disclose 4 or 5 or more primary shaving blades.

"Platinum Mach 14" discloses a 14 bladed razor (see figure on page two) .

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by adding up to 14 primary blades as taught by "Platinum Mach 14". The motivation to use more blades, as stated in Coffin (USPGPUB 2003/0217469), is to "increase the shaving efficiency of the razor".

10. Claim 10/3 and 11/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Gilder as applied to claim 3 above, and further in view of "Platinum Mach 14".

Rozenkranc does not disclose 4 or 5 or more primary shaving blades.

"Platinum Mach 14" discloses a 14 bladed razor.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by adding up to 14 primary blades as taught by "Platinum Mach 14". The motivation to use more blades, as stated in Coffin (USPGPUB 2003/0217469), is to "increase the shaving efficiency of the razor".

Response to Arguments

11. Applicant's arguments filed 08/07/2006 have been fully considered but they are not persuasive.

Regarding Applicant's contention that the finger pad is not properly characterized as being located on the first end, examiner disagrees. The half of the handle which connects to the cartridge may be characterized as the first end, and the opposite half of the handle may be characterized as the second end.

Regarding Applicant's contention that the teachings of Gilder do not meet the limitations of the amended claims, Examiner disagrees. Examiner has set forth a point by point, valid interpretation of the prior art, which meets the limitations of the claim both original and as presently amended, and applicant has presented no evidence, persuasive or otherwise, that Examiner's position is faulty. Applicant's recitation "This is clearly not the case..." does nothing to clarify Applicant's position, nor does it refute Examiner's position, since it does not draw attention to any specific inaccuracies.

Regarding applicant's contention that the Patentability of claims 2 and 3 renders all dependent claims patentable, Examiner disagrees. Examiner has shown that claim 2 is anticipated, and that claim 3 is obvious in view of the prior art. Therefore the argument that the dependent claims are patentable is moot, in view of the previous discussion of claims 2 and 3 above.

Conclusion

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12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMM



KENNETH E. PETERSON
PRIMARY EXAMINER